

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 CIAE-00

DODE-00 PM-07 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

TRSE-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSR-01 /235 W

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R 111325Z JUL 73

FM USMISSION GENEVA

TO SECSTATE ASHDC 348

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E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS

1. IN DINNER CONVERSATION JULY 4 WITH MR. ABDEL-HAMID OF EGYPTIAN DELEGATION, STEVENSON, MOORE AND ROBERTSON HAD OPPORTUNITY FOR WIDE-RANGING DISCUSSION OF LOS ISSUES. IMPORTANT ITEMS MENTIONED BY HAMID AS FOLLOWS:

A. IMPORTANCE OF CONFERENCE -- HAMID BELIEVED SUCCESSFUL CONFERENCE WAS CRITICAL IN ORDER TO RESTORE PRESTIGE OF UN.

B. FORM OF CONFERENCE -- HAMID EXPRESSED BELIEF THAT CONFERENCE RESULTS SHOULD BE EMBODIED IN NO MORE THAN TWO (2) CONVENTIONS. HE DID NOT BELIEVE STATES SHOULD HAVE THE OPPORTUNITY TO PICK AND CHOOSE AMONG CONVENTIONS AS IN 1958, WHERE FOUR SEPARATE CONVENTIONS RESULTED.

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C. ECONOMIC ZONE AND FISHERIES -- HAMID SAID

RECOGNITION OF AN ECONOMIC ZONE WAS A CRITICAL ELEMENT OF REACHING AN AGREEMENT. HE HOPED US WAS MOVING IN DIRECTION OF MORE RECOGNITION OF COASTAL-STATE RIGHTS IN SUCH AN AREA. AS TO FISHERIES, HE STATED A PERSONAL BELIEF THAT US SHOULD ABANDON ITS DIFFERENTIATION OF MIGRATORY SPECIES (ESPECIALLY TUNA) SINCE THESE REPRESENTED SUCH A SMALL PERCENTAGE OF US CATCH. AFTER MOORE EXPLAINED CONSERVATION ASPECTS OF SPECIES APPROACH AND ASSURED HAMID THAT INTERNATIONAL OR REGIONAL MANAGEMENT DID NOT PRECLUDE COASTAL STATES FROM A SHARE OF THE CATCH, HE SEEMED SOMEWHAT LESS DOGMATIC ON THIS SUBJECT. WHEN QUERIED AS TO WHETHER AFRICAN STATES WERE INTERESTED MAINLY IN TAKING THE CATCH IN THE COASTAL ZONE OR EXACTING RENT FROM FOREIGN VESSELS FISHING THERE, HE REPLIED, "BOTH."

D. OAU DECLARATION -- HAMID SAID HE WAS NOT PRESENT AT THE ADDIS ABABA MEETING BUT STATED THAT TEXT ADOPTED WAS ALMOST VERBATIM COPY OF DRAFT WORKED OUT IN NEW YORK. HE SAID TERM "INNOCENT PASSAGE" WAS NOT CRUCIAL AND THAT PERHAPS MORE PROGRESS COULD BE MADE IF EVERYONE DROPPED SUCH TERMS AS "INNOCENT PASSAGE" AND "FREE TRANSIT" AND WORKED OUT THE SUBSTANTIVE RIGHTS INVOLVED IN PASSAGE THROUGH STRAITS. HE SAID THE REFERENCE IN THE DECLARATION TO THE NEED FOR "FURTHER PRECISION" IN THE REGIME OF INNOCENT PASSAGE WAS SERIOUS AND ADDED THAT WHAT WAS MEANT THEREBY WAS OBJECTIVE STANDARDS.

E. STRAITS -- HAMID MADE A NUMBER OF REMARKS ON THIS SUBJECT, AS FOLLOWS:

(1) HE TURNED ASIDE ANY ATTEMPT AT THIS TIME TO WORK OUT A BASIS FOR TREATING STRAIT OF TIRAN AS A SPECIAL CASE. AS A MATTER OF INTEREST, THERE WAS NO DISCUSSION WHATEVER OF STRICTLY ARAB PROBLEMS. ALL OF HAMID'S REMARKS WERE IN EITHER A STRICTLY EGYPTIAN OR AFRO-ASIAN CONTEXT.

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(2) HE SAW NO WAY OF REACHING AGREEMENT ON ANY PROPOSAL WHICH DID NOT MEET COASTAL-STATE NEEDS OF "SOVEREIGNTY" AND "SECURITY". DESPITE ATTEMPTS TO HAVE HIM ELABORATE ON THESE TERMS, HE WAS EXTREMELY VAGUE. HE DID SAY THAT WEAKER STATES NEEDED A "LEGAL INSTRUMENT" TO USE TO PROTECT THEIR SECURITY AND THAT TERRITORIAL SEA WAS SUCH AN INSTRUMENT.

(3) HE THOUGHT THAT AN ACCOMMODATION COULD BE REACHED ON PASSAGE OF MERCHANT SHIPS (INCLUDING TANKERS IF POLLUTION QUESTION WAS SATISFACTORILY RESOLVED) BUT SAW NO SUCH PROSPECT FOR WARSHIPS. HE SAID MAIN PROBLEMS WERE WITH SUBMERGED PASSAGE OF SUBMARINES AND MILITARY AIRCRAFT OVERFLIGHTS INDICATING SOME FLEXIBILITY ON SURFACE WARSHIP PASSAGE. AS EXAMPLE HE STRESSED GREAT CONCERN EGYPT HAD WITH STRAIT OF BABEL-MANDEB AND STRONG NEED TO HAVE INFORMATION AS TO ANY SUBMARINES THAT MIGHT MAKE SUBMERGED PASSAGE INTO RED SEA. AS AN ASIDE, HE STATED THAT A SPANISH OFFICIAL HAD TOLD HIM THAT USG GAVE SPANISH GOVT ADVANCE NOTICE OF US WARSHIPS PASSAGE THROUGH STRAITS OF GIBRALTAR. WE TOLD HIM THAT HE WAS MISADVISED ON THIS SUBJECT.

(4) HE INDICATED THAT AN APPROACH ALONG THE LINES OF THE SOVIET STRAITS PROPOSALS MIGHT SERVE AS A BASIS FOR SETTLING STRAITS ISSUE SINCE THEIR APPROACH WAS TO SPELL OUT THE OBLIGATIONS OF THE VESSEL FLAG STATE RATHER THAN THE RIGHTS OF THE COASTAL STATE AND PERHAPS RESPECT FOR COASTAL STATE SOVEREIGNTY AND SECURITY COULD BE INCORPORATED IN OBLIGATION OF FLAG STATE TRANSITING STRAITS RATHER THAN ANY RESTRICTION ON RIGHT OF PASSAGE. HE SAID U.S. HAD KEY TO SOLUTION OF STRAITS ISSUE.

(5) HE WAS NOT AWARE THAT ANY OTHER STATES, EXCEPT PERHAPS KENYA, PLANNED TO TABLE STRAITS ARTICLES. HE IMPLIED THAT INDIA HAD A DRAFT BUT WOULD NOT TABLE BECAUSE OF LACK OF SUPPORT.

2. MEETING WAS CORDIAL AND BOTH SIDES AGREED IT HAD LIMITED OFFICIAL USE

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BEEN USEFUL AND THAT FURTHER SUCH MEETINGS SHOULD TAKE PLACE. BASSIN

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